

## **AMENDMENTS TO THE CLAIMS:**

1. (Previously Presented) A cross-connector assembly for interconnecting a pair of orthopedic rods, said assembly comprising:

an interconnection element including a first body and a stud, said first body having a first aperture formed therein and said stud extending from the body, said first aperture including an upper portion formed having a lobed shape;

a first rod connector including a first shaft terminating in a first rod engaging portion and a lobe extending laterally from an end of said first shaft and displaced axially along said first shaft from the first rod engaging portion, said first shaft and said lobe slideably received within the first aperture such that said lobe passes through said first aperture and upon rotation of said first rod connector said lobe prevents said first rod connector from being removed from said first aperture;

a second rod connector including a second shaft having a second body carried thereon, said second body having a second aperture formed therein, said second aperture having the stud received therein; and

a fastener configured to engage with the stud.

2. (Original) The assembly of claim 1 wherein the first aperture defines a first axis extending through the first body and the stud is positioned to lie substantially orthogonal to the axis.

3. (Original) The assembly of claim 1 wherein the first aperture is non-circular.

4. (Original) The assembly of claim 1 wherein the first shaft exhibits a substantially round cross-sectional profile.

5. (Previously Presented) The assembly of claim 1 wherein the first rod engaging portion comprises a curved member configured to at least partially encircle a spinal rod.

6. (Previously Presented) The assembly of claim 5 wherein the first rod engaging portion comprises a threaded aperture extending into the curved member.
7. (Original) The assembly of claim 1 wherein the first shaft is substantially straight.
8. (Previously Presented) The assembly of claim 1 wherein the first shaft is curved so as to be non-linear.
9. (Original) The assembly of claim 8 wherein the second shaft is curved.
10. (Previously Presented) The assembly of claim 1 wherein the first shaft is slidably received within the first aperture to allow the first rod engaging portion to be spaced from the second rod engaging portion at varying distances.
11. (Original) The assembly of claim 10 wherein the second shaft is rotatable about an axis defined by the stud to vary an angle defined by the first shaft and the second shaft.
12. (Original) The assembly of claim 11 wherein the first shaft and the second shaft are curved.
13. (Original) The assembly of claim 11 comprising a washer carried by the stud and positioned between the stud and the second aperture of the second rod connecting member.
14. (Original) The assembly of claim 13 wherein the second aperture of the second shaft is configured to allow the second shaft to pivot along the axis defined by the stud.
15. (Original) The assembly of claim 14 wherein the first rod connector is rotatable about an axis defined by the first shaft.

16. (Original) The assembly of claim 1 wherein the second body on the second shaft includes a lower surface, wherein engagement of the fastener to the stud urges the lower surface to contact the first shaft and clamp the first shaft in a first orientation relative to the second shaft.

17. (Original) The assembly of claim 1 wherein the first rod connector is rotatable about an axis defined by the first shaft.

18. (Previously Presented) The assembly of claim 17 wherein rotation of the first rod connector induces the lobe to contact said first body and inhibit removal of the first shaft from the first aperture.

19. (Original) The assembly of claim 17 wherein the first rod connector is rotatable about an axis defined by the stud.

20. (Original) The assembly of claim 19 wherein the second rod connector is rotatable about an axis defined by the stud.

21. (Original) The assembly of claim 20 wherein the first shaft of the first rod connector and the second shaft of the second rod connector are curved.

22. (Previously Presented) The assembly of claim 21 wherein the first shaft is slidably received within the first aperture to allow the first rod engaging portion to be spaced from the second rod engaging portion at varying distances.

23. (Original) The assembly of claim 22 comprising a first spinal rod secured to the first rod engaging portion and a second spinal rod secured to the second rod engaging portion, wherein the first spinal rod is positioned to lie non-parallel to the second spinal rod.

24. (Original) The assembly of claim 1 comprising a washer carried by the stud and positioned in the second body of the second rod connecting member, wherein engagement of the

fastener to the stud urges the washer to contact the first shaft of the first rod connecting member and clamp the first rod connecting member in a first orientation relative to the second rod connecting member.

25. (Original) The assembly of claim 24 wherein the washer is composed of a deformable material.

26. (Original) The assembly of claim 25 wherein engagement of the fastener to the stud induces the washer to deform.

27. (Original) The assembly of claim 24 wherein engagement of the fastener frictionally engages the washer to the first shaft of the first rod connector.

28. (Original) The assembly of claim 24 wherein engagement of the fastener to the stud secures the second rod connector in a selected orientation.

29. (Original) The assembly of claim 1 comprising a first spinal rod secured to the first rod engaging portion and a second spinal rod secured to the second rod engaging portion, wherein the first spinal rod is positioned to lie non-parallel to the second spinal rod.

30. (Original) The assembly of claim 29 wherein the first spinal rod defines a first plane and the second spinal rod is positioned to lie in a plane different from the first plane.

31. (Previously Presented) The assembly of claim 1 wherein the first rod engaging portion comprises a hook sized to at least partially encircle a spinal rod, said hook extending laterally from the first shaft in a first direction and wherein said lobe extends laterally from the first shaft along said first direction.

32. (Cancelled)

33. (Previously Presented) The assembly of claim 1 wherein the first shaft has a smooth exterior surface.

34. (Original) The assembly of claim 1 wherein the first and second shafts are configured to nest with each other.

35. (Original) The assembly of claim 1 comprising an insert configured to at least partially encircle said first shaft, said insert disposed within said first aperture.

36. (Original) The assembly of claim 35 wherein the insert in combination with the first aperture define a ball and socket joint.

37. (Previously Presented) The assembly of claim 1 comprising a washer carried on said first body said washer having a surface including a first set of splines formed therein and wherein the second body on the second spinal rod connector includes a lower surface having a second set of splines formed thereon configured to matingly engage with the first set of splines.

38. (Original) The assembly of claim 37 wherein the washer includes a lower surface having one or more recesses formed therein provided to contact said first shaft when the first shaft is received within the first aperture.

39. (Original) The assembly of claim 1 comprising an insert disposed within the second aperture, said insert configured to at least partially encircle said stud.

40. (Original) The assembly of claim 39 wherein the insert in combination with the second aperture define a ball and socket joint.

41. (Original) The assembly of claim 39 wherein the insert is substantially spherical.

42. (Original) The assembly of claim 39 wherein the insert is substantially cylindrical.

43. (Original) A method of treating a spinal defect, said method comprising:  
securing a first spinal rod and a second spinal rod each to two or more vertebrae; and  
interconnecting the first spinal rod to the second spinal rod using the assembly of claim 1.

44. (Currently Amended) A cross-connector assembly for interconnecting a pair of  
orthopedic rods, said assembly comprising:

a first rod connector including a first shaft terminating in a first body having a channel  
therethrough;

a second rod connector including a second shaft defining a longitudinal axis and  
terminating on a first end with a rod engaging portion and on an opposite second end with a  
second body, said second body having a first aperture therein defining a first central axis, said  
first end of said second rod connector also including a second aperture therein defining a second  
central axis positioned to lie at an angle to the first central axis;

an interconnection element having a third body that includes a third aperture therein for  
receiving a portion of said first shaft and a stud protruding upwardly from said third body;

an insert positioned over said stud having a lower surface configured to engage the first  
shaft of the first rod connecting member extending through the third aperture and an upper  
portion positioned in said first aperture of said second body; and

a fastener extending through the first aperture of the second body and into an internal  
recess of the insert to fixedly engage the stud thereby securing the orientation of the first rod  
connector relative to the second rod connector.

45. (Currently Amended) The cross connector assembly of claim 44 wherein the  
insert includes a slit along a vertical axis, said slit extending between and opening at opposite  
ends of said insert.

46. (Currently Amended) The cross connector assembly of claim 44 wherein ~~the~~ a  
lower surface of the insert includes recesses for engaging the first shaft of the first rod  
connecting member.

47. (Cancelled)

48. (Cancelled)

49. (Original) The cross connector assembly of claim 44 wherein the fastener engages the insert thereby securing the first rod connecting member in a desired orientation relative to the second rod connecting member.

50. (Cancelled)

51. (Original) The cross connecting assembly of claim 44 wherein the fastener engages the second body of the second rod connector thereby securing the first rod connecting member in a desired orientation relative to the second rod connecting member.

52. (Original) A method of treating a spinal defect, said method comprising:  
securing a first spinal rod and a second spinal rod each to two or more vertebrae; and  
interconnecting the first spinal rod to the second spinal rod using the assembly of claim 44.

53. (Currently Amended) ~~An~~ A cross connector apparatus, comprising:  
an interconnection element including a first body having an aperture formed therein and a stud extending from said body;  
a first spinal rod connector including a first shaft having a proximal portion received within said aperture and a distal end carrying a first spinal rod engaging portion configured to at least partially encircle a spinal rod, said first shaft having a projection at an end of said proximal portion, said projection being able to move through said aperture when said shaft is in a first orientation with respect to said aperture, and being unable to move through said aperture when said shaft is in a second orientation with respect to said aperture different from said first orientation;

a second spinal rod connector having a second body on a proximal end, a second spinal rod engaging portion on a distal end and a second shaft extending therebetween, wherein said body includes a second aperture having the stud received therein; and

a single fastener to secure the first and second spinal rod connectors to each other at a user defined orientation relative to each other.

54. (Original) The apparatus of claim 53 comprising an insert positioned with the first body and configured to at least partially encircle the first shaft.

55. (Original) The apparatus of claim 53 wherein the insert in combination with the first body restrict movement of the first shaft to inhibit disassembly of the apparatus.

56. (Cancelled)

57. (Original) The apparatus of claim 53 comprising an insert positioned within the second body and configured to at least partially encircle the second shaft.

58. (Currently Amended) A method of treating a spinal defect, said method comprising:

securing a first spinal rod and a second spinal rod each to two or more vertebrae; and  
interconnecting the first spinal rod to the second spinal rod using the assembly apparatus of claim 53.

59. (Previously Presented) The apparatus of claim 1, wherein said stud is monolithic with said body.

60. (Previously Presented) The apparatus of claim 1, wherein said stud has a longitudinal axis, and said first shaft has a longitudinal axis, and said stud longitudinal axis is oblique to said first shaft longitudinal axis.



61. (Previously Presented) The apparatus of claim 1, wherein said first shaft and said second shaft are capable of pivoting with respect to each other between a first position in which said first shaft and said second shaft are substantially parallel, and a second position in which said first shaft and said second shaft define an interior angle between them that is less than 180 degrees.

62. (Previously Presented) The apparatus of claim 1, wherein said interconnection element includes a pair of flanges extending outwardly diametrically opposite each other circumferentially about an external surface of said first body, and said second body includes a pair of internal flanges in said second aperture, wherein said flanges of said interconnection element allow said flanges of said second body to pass through gaps between said flanges of said interconnection element during assembly and upon rotation of said second body said flanges of said interconnection element engage said flanges of said second body.

63. (Previously Presented) The apparatus of claim 1, wherein said second aperture has a central axis, and said second rod connector has a channel for accommodating a spinal rod, said channel having a longitudinal axis, and said central axis and said longitudinal axis are perpendicular to each other.